

MINUTES OF THE MEETING OF THE
SAN LUIS OBISPO COUNTY PLANNING COMMISSION
JULY 14, 2005

PRESENT: Commissioners Bob Roos, Sarah Christie, Penny Rappa,
Chairperson Liberto-Blanck

ABSENT: Commissioner Gene Mehlschau

STAFF: Pat Beck, Assistant Director
John Euphrat, staff
Warren Hoag, staff
Kim Murry, staff
Martha Neder, staff
Mike Wulkan, staff
Elizabeth Kavanaugh, staff
Brian Pedrotti, staff
Chuck Stevenson, staff
Jim Lopes, staff
John McKenzie, staff

OTHERS: Jim Orton, County Counsel
Tim McNulty, County Counsel
Richard Marshall, Public Works

The meeting is called to order by Chairperson Liberto-Blanck.

The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of July 14, 2005, together with the maps and staff reports attached thereto and incorporated therein by reference.

Public Comment Period

Richard Senowski, member of Central Coast Ocean Outfall Group. Speaks on watersheds and viewsheds. Suggests Planning Commission take a more global view, and see things more wholistically. Submits regional plan for Los Osos watershed. Describes same. Gives website where document can be viewed at www.stopthewaiver.com .

Planning Staff Updates

John Euphrat, staff. States a study session will take place this afternoon

Chairperson Liberto-Blanck states she will resign effective at the end of today's meeting. Thanks the Commission, staff, and others. Thanks citizens who attended hearings over the years. Encourages public participation.

Commissioner Christie states Ms. Liberto-Blanck has been an exemplary public servant having brought great dedication to the job. Commends Supervisor Bianchi for her appointment. States Ms. Liberto-Blanck will be sorely missed.

Commissioner Roos, states his agreement.

Pat Beck, Assistant Director, states the department will miss Chairperson Liberto-Blanck, and thanks for working together over the years.

CONSENT AGENDA

Commissioner Christie requests discussion of Item a. Requests clarification of dates in the agenda item description, with Warren Hoag, staff, responding. States original approval was 1999 and describes time extension process, stating this time extension is the last allowed.

Thereafter, motion by Commissioner Rappa, seconded by Commissioner Roos, to approve the Consent Agenda as presented carries, in the absence of Commissioner Mehlschau, as follows:

- a. **TRACT 2319 (S980146T)** Request from **JOHN DALLAIRE/VAUGHAN SURVEYS** for a **5th time extension** for vesting tentative tract map 2319, a request for subdivision of a 15 acre site into fourteen parcels of approximately 1.0 to 1.9 acres each.. The site is located in the Residential Suburban land use category at 740 Bethel Road in the community of Templeton, APN: 040-270-010 in the Salinas River Planning Area. Supervisorial District 1.
 - b. **TRACT 2368 (S000007U)** Request from **Angelo Morabito and Robert Burke/Wallace & Associates** for a **1st time extension** for Vesting Tentative Tract Map 2368. The 58 acre site is to be divided into 26 lots (23 developable lots and three lots for infrastructure use only). The proposed 23 lots range in size from 1.02 to 3.48 acres each (gross). The project is located on the northeast side of Highway 227 (at Farmhouse Lane), approximately 400 feet south of Airport Drive, south of the City of San Luis Obispo, in the San Luis Obispo planning area. APN: 044-011-018 & -019; 076-511-012, -014, -016 & -023. **County File No. S000007U/ TR 2368.** Supervisorial District 3.
 - c. **TRACT 2393 (S000418T)** Request from **Robert Newdell** for a **2nd time extension** on Vesting Tentative Tract Map 2393 to subdivide an existing 2.5 acre parcel into seven parcels ranging in size from 10,000 square feet to 16,600 square feet each. The project is located on the southwest corner of Grande Avenue and Cyclone Street, in the community of Nipomo, in the South County planning area and in the Residential Single Family land use category. APN: 092-123-008. Supervisorial District 4.
 - d. **TRACT 2481 (S010340T)** Request from **Robert and Mary Penaflor/ John L. Wallace & Associates** for a **1st time extension** for vesting tentative Tract Map to subdivide an existing 3.47 acre parcel into six parcels of approximately 20,018, 20,018, 21,678, 23,347, 28,107, and 30,371 square feet each. The project is located at 433 Hazel Lane, east of Simmons Lane, approximately 300 feet west of Division Street, in the South County - Nipomo Planning Area. APN: 092-123-022. Supervisorial District 4.
 - e. **TRACT 2526 (S990133U)** request from **VAUGHAN SURVEYS, INC.** for a **3rd time extension** for vesting tentative Tract Map 2526 (S990133U) to subdivide a 851 acre site into 42 clustered one acre lots for residential development, construct up to seven farm-worker housing units, one caretaker unit, a private equestrian center, one water storage tank and one or more open space parcels totaling at least 808 acres (95% of the site area). The property is located on the north side of Linne Road, south and west of Union road and east of and adjacent to the City of Paso Robles in the Salinas and Estrella Planning Areas. Supervisorial District 1.
1. This being the time set for continued hearing to consider a request by the **County of San Luis Obispo to 1)** update and amend the Cambria and San Simeon Acres community plan portions of the **North Coast Area Plan** (Part II of the Land Use Element and Local Coastal Plan, and part of the Circulation Element). The area plan is being updated to reflect current land use, transportation, population, environmental, and economic conditions and community desires within the communities of Cambria and San Simeon Acres. The communities of Cambria and San Simeon Acres are located within the North Coast Planning Area of San Luis Obispo County. This planning area is bounded by the Monterey/San Luis Obispo County Line to the north, Point Estero to the south, and to the east the Coastal Zone boundary below the main ridge or the Santa Lucia Range. The update includes a number of changes to goals, policies, programs, land use

categories, combining designations, and planning area standards; **2)** amend the **Cambria Design Plan** by a) revising and moving development standards to the area plan; and b) modifying various guidelines including those related to lighting and the Moonstone Beach Drive streetscape; and **3)** amend the **Coastal Zone Land Use Ordinance**, Title 23 of the San Luis Obispo County Code; Sections 23.05.050 and 23.06.100 regarding water quality and drainage; Section 23.05.062 regarding tree removal; Section 23.07.170 regarding development within or adjacent to environmentally sensitive habitats; and Section 23.07.172 regarding mineral extraction in wetlands. **County File No. LRP2004-00024.** Supervisorial District 2. .

Chairperson Liberto-Blanck states she has not yet heard back from FPPC and therefore must recuse herself for this item. Steps down and departs.

Commissioner Roos takes the Chair.

Kim Murry, staff, states she was requested to attend today due to Growth Management issues related to the will-serve waiting list of the CCSD. Kim explains the lists are different from one another, and gives statistics. States the CCSD list is a water service list.

Commissioner Christie requests clarification regarding water use as stated in the EIR, the CCSD list, and the County waiting list, with staff responding. Discussion takes place.

John Euphrat, staff, states CCSD is present and can clarify their own list as necessary.

Commissioner Roos requests further clarification, describing a hypothetical situation and requesting comment on what would follow under those circumstances, with staff responding. Discussion takes place.

Jim Orton, County Counsel, discusses the two lists and provides some background, reiterating one list is for water and the other for growth management.

The matter is discussed in detail among Commissioners and staff.

Tammy Rudock, CCSD, describes the CCSD water list. States the Board of Directors would have to meet for any changes to be made regarding the list. States the County and the CCSD have discussed the matter many times over the years. States plans for water supply and buildout is for 4,650. Answers questions posed by Commissioner Christie regarding possible future outcomes under various circumstances and hypothetical situations posed.

Discussion takes place regarding timeframes for the meeting today.

Vice Chairman Roos states Chapters will be discussed, and public comment taken on each chapter. Discussion will end at 11:15 a.m. this morning.

Public Testimony

Daryl Robinson. States regarding last discussion on wait list, the key document is the Growth Management Ordinance. States the CCSD predated it, and describes some problems that resulted and how those were handled. Urges Commissioners to read a letter from Lot Owners of Cambria, an organization he represents.

Mary Jacoletti, San Simeon. States she represents others who cannot be present today, as well as speaking for herself. States the county's idea on growth may be different from theirs. Discusses San Simeon and that the population is likely double what the sign shows. Housing is a critical issue. Discusses a growth moratorium in San Simeon and other issues regarding motels and housing.

Discusses increased traffic, infrastructure, visitor serving, low-income housing, motel conversions to residences.

Commissioner Christie requests clarification of conversion of motel and whether permits were issued, with Ms. Jacoletti responding. Commissioner Christie directs questions to staff regarding the information given by Ms. Jacoletti regarding motel conversions, with staff responding. Commissioner Christie states she does not have a conflict of interest nor a bias due to her Coastal Commission activities. States the lawsuit referenced was brought by the CCSD against the Coastal Commission, and it does not prejudice her analysis or judgment or decisions regarding this plan. States she has no financial interest, and nothing involving that lawsuit pertains to anything in this plan. States she has no prejudice nor preconceived ideas regarding the discussion today.

Martha Neder, staff, discusses goals and states there are no recommendations for changes to Chapter 1. Commissioner Christie states she has changes she wishes to discuss for Chapter 1.

Public Testimony – Chapter 1.

Joy Fitzhugh, San Luis Obispo Farm Bureau. Requests Commissioners remember agriculture as this discussion of the Cambria-San Simeon Area Plan takes place.

Daryl Robinson, states he wishes to discuss property rights, and that the government should not engage in activities that take property from individuals without compensation.

Richard Sedowski discusses Cambria High School water storage facility, and states it should be evaluated in case of an earthquake. Wonders about the Environmental Impact Report (EIR) and whether the underground water storage facility was considered there.

Staff gives availability of the EIR for public review, which can be seen at the Planning & Building Department or local libraries.

Commissioner Christie requests discussion of Chapter 1. Gives her views, suggesting changes.

John Euphrat discusses updating the Local Coastal Plan and efforts over the past several years, responding to questions by Commissioner Christie. States public notice was given.

There is consensus among the Commissioners for the following changes: Chapter 1.B.1.A. insert “and wildlife, including” following “marine habitats,”; Chapter 1.B.1.D. insert “Avoiding or” at the beginning of the sentence; Chapter 1.B.1.E. prepare a new subsection E to address “water quality” and re-letter as appropriate; Chapter 1.B.2. insert “environmentally and economically” in the first line following “Orderly Development. Provide for a”; Chapter 1.B.3.A. delete “scale” between “rural” and “development.”; Chapter 1.B.3.B., insert “continued longterm viability of” in first line following “Ensuring the protection of”; Chapter 1.B.4.A., insert “between urban and rural uses” following “maintaining the ‘hard edge’”; Chapter 1.B.4.B., change “more appropriate” in the last line to “identified in the TDC program”; Chapter 1.B.7.A., insert “avoids or” following “design that”; Chapter 1.B.8.C. change sentence to read “Preserve the native forest ecosystem.”; direct staff to prepare and return with language changing Chapter 1.B.8.C.2. to more specifically define the required action; delete Chapter 1.B.8.C.3 and renumber the following paragraph “3”; Chapter 1.B.8.D.2. add “and community character” to the end; Chapter 1.B.8.G.4., insert “and wildlife” following “neighbors”; Chapter 1.B.11.C. insert “pedestrian facilities” following “transportation modes such as”; Chapter 1.B.12.B., insert “wildlife habitat” following “an agricultural production area,”; Chapter 1.B.17.A.2. insert “the length of the Planning Area” following “Coastal Trail.”; delete Chapter 1.B.18.I.; and in Chapter 1.D.3.A. use bullets within the subparagraph to set forth the chapters.

Discussion takes place regarding the history of this plan. John Euphrat, staff, states this review is comprehensive for Cambria and San Simeon. It does not include rural areas. Hearst Ranch

development is not on the table today. Vice Chairman Roos states next meeting will discuss Chapters 2 and 3, but that succeeding chapters could come up at the next meeting if time allows.

Thereafter, motion by Commissioner Rappa, seconded by Commissioner Christie, carries, in the absence of Commissioner Mehlschau, and with Chairperson Liberto-Blanck recused, to continue this matter to July 28, 2005.

2. This being the time set for hearing to consider a request by **Brian and Lisa Blakely** for a third time extension of Minor Use Permit / Coastal Development Permit No. D990224P; a request to construct an approximately 3,700 square foot single family residence with two attached garages on a site 8,750 square feet in size. The project is located at 364 Leighton Street, approximately 300 feet from the intersection of Leighton Street and Windsor Boulevard in the community of Cambria, in the Residential Single Family land use category. The site is in the North Coast planning area. The Environmental Coordinator finds that the previously adopted Negative Declaration is adequate for the purposes of compliance with CEQA. **County File No: D990224P.** APN: 022-311-019 & 029. Supervisorial District 2. Date Accepted: June 8, 2000.

Chairperson Liberto-Blanck returns and assumes the chair.

Martha Neder, staff, gives the staff report. Discusses previous time extensions. States applicant has redesigned the house to reduce square footage, among other changes.

Commissioner Christie requests additional information regarding the design, substantial conformity, with staff responding. Staff states there was a Planning Director determination that found the project in substantial conformity.

Discussion takes place among Commissioners, County Counsel and staff regarding circumstances under which time extensions can be denied, why this time extension is only for a few weeks, that the permit will expire without approval of this time extension, and that the Commission has the authority to add conditions if they desire, as well as the ability to amend conditions if necessary.

Public Testimony. No one coming forward.

Chairperson Liberto-Blanck reiterates that the project was found in substantial conformity, with staff responding.

The matter is thoroughly discussed, and thereafter, motion by Commissioner Roos, seconded by Commissioner Rappa, carries, to approve the third time extension to June 18, 2006, based on the Findings in Exhibit A and subject to the Conditions in Exhibit B, as carried forward from the original.

3. This being the time set for hearing to consider a request by the **County of San Luis Obispo** to amend Section 22.92.020 -- Areawide Standards, Adelaida Planning Area -- of the County Land Use Ordinance, Title 22 of the County Code. The proposed amendment establishes "critical viewsheds" for Highway 1 and the "Cayucos Fringe," together with development standards to protect scenic views as seen from Highway 1 and other roads, as well as public beaches, in a portion of the Adelaida Planning Area. The proposed development standards are intended to minimize the visibility of new development through measures such as limiting ridgetop development, screening development with landscaping, locating development in the least visible locations, and in new land divisions, clustering development on less steep slopes. The proposed amendment applies to the portion of the Adelaida Planning Area generally located between Villa Creek Road on the west; Highway 46, Old Creek Road and a prominent ridge south of Santa Rita Creek on the north; the boundary between the Adelaida and Salinas River Planning Areas on the east; and the boundary between the Adelaida and Estero Planning Areas on the south and southwest. Also to be considered at the hearing will be approval of the Environmental Document

prepared for the item pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq. **County File No: G020004N.** APN's: Various. Supervisorial Districts: 2, 1.

Mike Wulkan, staff, gives the staff report. States viewsheds for Hwy 1 and Cayucos fringe are being established, and ridgetop development limited in that area. The request was initiated by the Board of Supervisors in 2002, which was requested by Cayucos Citizens Advisory Council. Displays maps and photographs overhead. States most agriculture structures, and projects not visible from Hwy 1 are not covered. Describes Minor Use Permit and Conditional Use Permit standards, and standards for new land divisions. Discusses recommendations of the Cayucos Citizens Advisory Council, and the Ag Liaison Board. Recommends adoption of negative declaration and approval of this request.

Marla Jo Bruton, states the County Planning Department provided her a copy of the staff report for this item. States she does not know what she is supposed to do with it, because all environmental issues seem to be insignificant. Wishes to know what this is about besides hill top silhouetting. Discusses Attorney General's conclusions on the Williamson Act.

Richard Sadowski, Central Coast Ocean Outfall Group, states he has talked with staff and a problem exists in the Cayucos Sanitary District. Their Ordinance No. 5 is ignored by the Board of Directors, and it states you cannot pool in an easement. States there is no enforcement by planning staff nor by the Sanitary District, it is a violation of an existing ordinance and is unfair to older people and other residents, who are being flooded out by new development. This problem will turn into urban runoff and should be addressed.

Andrew Christie, Sierra Club, SLO Chapter, states the area plan amendment is a true expression of residents' desires, the public feels the whole area is coastal zone, it is appropriate for consistent rules throughout that area, and the amendment should apply to all new development.

Leslie Leigh states she is concerned with affordable housing, and the government is putting more and more land into conservation easements, affordable homesites are dwindling. Refers to Morro Strand District which was down-zoned, even though many people had hoped to build there. States people should have reasonable guidelines.

George Stewart, Old Creek area, states standards are not defined in much detail, many properties in that area are on steep slopes, restrictions are such that normal mitigation measures cannot solve the problems. Discusses agricultural viability of certain properties.

Barbara Lusich, San Luis Obispo County, states she and her family have lived in the area a long time, and oppose the amendment of the Land Use Ordinance. States they are opposed to the Cayucos Advisory Group dictating how they should use their land.

Enrique Gonzales states he wonders why lots are allowed to be sold when they are not buildable, it creates false hope for people, he was told the lots were okay except for a small water problem, but the water is more than a problem, and may be an excuse. Wonders whether something can be done about the water.

Bill Martony, Old Creek Road, states he owns about 775 acres, and will be drastically affected by Section 2. States he only found out a week or ten days ago, and it has the potential to cause millions of dollars of losses to him and his neighbors in lost value due to the changes. States the Estero Plan Update refers to a viewshed, and does not refer to this area, 80% of Cayucos silhouettes against the skyline, slower traffic on Old Creek Road will do a much better job of allowing a view, the Cayucos fringe views are along non-public roads. States this will be the equivalent of "red-lining," and Section 2 should be dropped because residents have not had a chance to comment; it is a 40-square mile land grab, with Cayucos being much smaller than that. Requests approval not be given today.

Dan McGee states he represents several property owners in the Cayucos fringe area who adamantly oppose the proposed amendment. States it is a slap in the face for the residents who have been good stewards for many years, and this exposes the county to liability. Recommends the county re-think the amendment and review other options.

Dawn Dunlap, Cambria native, rancher, states she has worked in property law and done title research for many years. States the Cayucos viewshed graphic is insufficient for use as part of this amendment, new maps should be submitted, and Thunder Canyon Road should be excluded. Requests it be removed from the list of County maintained roads. States this infringes on ranchers by preventing them from using their properties as they see fit.

Joy Fitzhugh, SLO Farm Bureau, discusses Cayucos Fringe Critical Viewshed, and Ridgetop Development, agreeing with previous speaker regarding the poor quality of the map. States re-evaluation should be done regarding the scope, as too much area is included, such as roads where there is no view. Wonders whether ridges surrounded by mountains should be similarly dealt with; addresses trails, stating if people cannot put roads on more than 20% slopes, then trails would not work either, because the same problems would result.

Bruce Gibson states his strong support for these amendments. States it was considered by the Cayucos Advisory Council, and that the map could be improved. States some protection is provided for agriculture in that the region will now be slightly less desirable for residential development; the cost of such protection is the requirement that a public hearing may be necessary before building a house.

Stewart Selkirk states he was born in Cayucos and supports putting regulations on ridgetop and skyline building, and this will not reduce property values by millions of dollars, although it may reduce values slightly. States Cayucos area is pristine and should not be degraded, as has happened in many areas over the past years.

Kevin Kester, SLO County. Cattlemen's Association, refers to the environmental section of the report, stating he wishes clarification regarding that section and that the Cattlemen's association opposes the proposed changes in language. States changes to staff recommendations to include agricultural land will be strongly opposed. States his opposition to the Cayucos fringe portion of this amendment, and that it will have a detrimental affect on the viability of agriculture in the area, and that a change from 30% to 20% slopes and use of trails will lead to not being able to use certain areas or to get to certain locations of their properties.

Smith Held, Cayucos, states the proposal also limits transmission wires and public utilities facilities; wells must be located where the water is, and power must be put where the well is. Urges this amendment not be adopted in the Cayucos fringe regarding viewshed. Asks how the area was chosen for inclusion in this amendment.

Joe Priane, reads a letter from Matt Radner into the record. The letter states the writer's opposition to adoption of the amendment being discussed. Reasons are because land values will be reduced without compensation. The letter is against the change in slope requirements.

James Molnar, local ranch owner, states this amendment will greatly affect property values of local owners; as far as not building on a ridgetop, states the Cambria School grading is an example of what can happen if one grades off a ridgetop. Mitigation may be necessary, but stating no building or what kind of building, is an infringement on property rights.

Mike Wulkan, staff, states a number of emails were received after the agenda packets were prepared which were distributed to Commissioners today. Questions included slope issues, loss of property values, among others. As far as application to all agricultural structures, the amendment is intended to

not so apply, based on the Ag & Open Space Element, a goal of which is to keep permit levels the same for agricultural activities. Most agricultural structures are exempted, unless already required to obtain a discretionary permit. Only for agricultural processing, such as a winery, or some other specialized facilities, such as horse arenas, would a permit be required. Water tanks, windmills, barns are generally not subject to standards for agricultural activities. Regarding small lots, the standards proposed will apply to some of those that are outside the Coastal Zone in the Adelaida area. The lots are legal lots created in the 1920's, and it is technically possible to build. Nothing in the county's ordinance precludes development of those properties. The Cayucos fringe is being addressed at the request of the Cayucos Citizens Advisory Council, who requested this ordinance apply to the fringe area as well as the Hwy 1 corridor. As far as the map, the borders are clear. Describes the borders, and that it is easy to determine what is inside and outside the line. As far as Thunder Road, it is county maintained. Non-county maintained roads are not intended to be included, and any such road that does not belong will be removed. As far as the Negative Declaration language, reference to the open space will have no affect, because it is not addressed in the ordinance. The 20% slope limitation applies only to land divisions. In addition, only residential roads are addressed, not agricultural roads.

Commissioners and staff discuss how access roads and residential uses will be handled with this proposed ordinance, clarify agricultural structures not subject to these standards, pose and comment on a hypothetical situation, further discuss a statement by one of the speakers that placing a house on a hillside rather than a hilltop might be more destructive, and that a proposal for building on a greater-than-10% slope would trigger environmental review.

Lynda Auchinachie, Agriculture Commissioner's office, states the ordinance as proposed is supported because, with the exception of wineries and a few other kinds, agriculture will not be affected. Thanks staff for the clarification that 20% slope requirement is for residential parcels only and will not affect agricultural parcels. Discusses access roads from viewpoint of Agriculture Commissioner's office. States her understanding the proposal does not apply to agricultural roads. Further discusses ag exemptions. States roads through significant slope areas are reviewed by the Resource Conservation District, and that the most egregious roads, even with justified ag exemption, would not have met the standards for ag exempt in any case. It is an enforcement issue. The agricultural grading ordinance has been a very useful tool.

Commissioner Christie requests clarification regarding requirements of proposed paragraph 4.a. and 4.b., with staff responding. Further clarification requested regarding 5.d.(2), and whether "non-reflective surfaces" should be included, with staff responding. Discussion continues regarding 5.e.

Thereafter, motion by Commissioner Christie, seconded by Commissioner Rappa, is discussed. Thereafter, motion maker and second do not amend their motion, and motion by Commissioner Christie, seconded by Commissioner Rappa, carries, in the absence of Commissioner Mehlschau, and with Commissioner Roos voting no, to adopt the Negative Declaration, and to recommend to the Board of Supervisors adoption of the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000, et seq., and to recommend to the Board of Supervisors approval of Land Use Ordinance amendment G020004N as shown in Exhibit G020004N:A, with the following changes: in proposed new Section 1, Subsection C, paragraph 5.d.(2) and in proposed new Section 2, Subsection D, paragraph 2.b.(2), insert "and by using non-reflective materials" at the end of the paragraphs; in Section 1, Subsection C, paragraph 5.f.(1) insert "Residential" following "Slope limitation."; and in Section 2, Subsection D, paragraph 1, insert "Residential" following "Slope limitation – land divisions.", and amending Figure 92-2 to reflect the county-maintained portion of Thunder Canyon Road, adopted.

4. This being the time set for hearing to consider a request by **Frank Kelton** for a Conditional Use Permit to allow a newly constructed single-family residence to be used as an emergency response station for San Luis Ambulance, construct a 414 square foot parking area, sidewalks, landscaping and install a sign. The project will result in the disturbance of approximately 1,700

square feet. The proposed project is within the Residential Multi-family land use category and is located at 700 Blackburn Street, on the northeast corner of Blackburn Street and 7th Street, in the community of Templeton. The site is in the Salinas River planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures are proposed to address aesthetics, air quality, hazardous/hazardous materials, noise, public services, and transportation. **County File No. DRC2004-00030.** APN: 041-141-004. Supervisorial District: 1. Date Accepted: February 7, 2005.

Elizabeth Kavanaugh, staff, gives the staff report. Three major issues are (1) site suitability (next to a school cluster and whether emergency response unit is appropriate); (2) noise; and (3) neighborhood compatibility in a residential neighborhood. Describes uses in the immediate area. Templeton School District has requested the ambulance not use Old County Road, creating other conflicts. Describes mitigations proposed. Describes how noise will be handled. Addresses neighborhood compatibility. Recommends adoption of the Negative Declaration and approval of the project.

Commissioner Roos requests clarification regarding how the pre-school on 7th Street will be avoided, with staff responding.

Commissioners and staff engage in discussion regarding conditions, ADA, lighting, Condition 26, trees that will be impacted by sidewalk improvements, where trees will be planted to mitigate impacts to the oak trees there now, landscaping, sidewalk surface material, design guidelines, recommendations of the advisory group, speeds by ambulance drivers in residential neighborhoods and areas with schools.

Frank Kelton, applicant/owner. States the structure will not be open to the public and so ADA is not required, states they do not speed in residential areas. A survey was done that showed less traffic during the restricted hours than otherwise. States they wish to make the neighborhood better. The structure being proposed was run down.

Commissioner Roos requests clarification regarding ADA requirements, with Mr. Kelton responding. Number of calls per day is discussed, need for diesel engines, noise, siren use.

Commissioner Rappa requests clarification regarding why the original use that was intended is not being pursued, with Mr. Kelton responding.

Martin McCauley, Templeton, states he is appalled that the ambulance is considering locating at the proposed address, resale values will be adversely affected, one neighbor has already stated intention to leave because of this proposed use, which will be dangerous. States a better location would be near the new Sheriff's station. States the site is not commercially zoned, and proximity of the school should preclude this use. States a formal traffic study is needed, that noise will be a problem, that the drivers speed and use sirens in residential areas, that the building is out of proportion to the size of the lot, that there are hazards and economic downsides for residents. Requests application be denied. Suggests an alternate location.

James F. Herrmann, Templeton, states he owns a diesel vehicle and it is noisy, objects to ambulance facility in residential area, stating this area has small children, Templeton is growing and there will be more calls in the future than there are today, this is not a good location, 1 block from the school, and 1 block from the preschool, children play in the streets in this area, ride bicycles, and could run out in front of an ambulance if the sirens are not used. States one child injured is too many. States there are alternate locations and commercial water available in Templeton. Requests denial.

Jordana Nicholas, Templeton. states there is no easement or yard around the proposed project; there is no freeway access from this area; children are constantly throughout the area, and there is a pool nearby

that is used by children; there is already traffic congestion; displays photographs. Describes her efforts 10 years ago to get a stop sign erected following three separate serious accidents. States an alternate location would be better.

Frank Kelton, applicant/owner, addresses sidewalk issue, stating TAAG did not require avoiding destruction of oak tree.

Joe Pantelu, states he works for the ambulance and every station has rules for departing and returning. All traffic laws will be obeyed and sirens will not be used in residential areas, and there will be no speeding. No one may visit the station after 10:00 p.m. and the number of calls per days is not that many.

Martin McCauley, Old County Road, states sirens have been used in front of his house and he has heard them on Eddy Street, across Toad Creek, and on Las Tablas Road. States "they can't get out of Templeton without using their sirens." States his wish that the project location to be closer to Hwy 101.

Commissioner Roos states this project should have consulted neighbors to a greater degree before filing the application. Discusses the Templeton Area Advisory Group meeting, which he attended. States the applicant made a good case at TAAG. States he cannot support this project, and gives several reasons. States it is the wrong place for this project. States the Commission should deny the project based on incompatibility with the neighborhood.

Commissioner Rappa discusses page 4-4 Ordinance Compliance, and requests whether somewhere in the ordinance it is allowed in Residential, with staff responding.

Kami Griffin, staff, states this is an allowed discretionary use.

Chairperson Liberto-Blanck states her agreement with Commissioner Roos and gives some additional reasons, among which is the presence of children in this residential area.

Commissioner Christie states her feeling that ambulance drivers are quite careful. States her agreement with Commissioner Roos and Chairperson Liberto-Blanck.

Thereafter, motion by Commissioner Roos, seconded by Commissioner Christie, carries in the absence of Commissioner Mehlschau, to deny the above referenced item, because the project is inconsistent with the character of the immediate neighborhood, it is centered in a residential area, it is close to several elementary and pre-schools, a park and a pool, not all mitigation measures have been determined, the sound wall appearance has not been determined, the project exposes the neighbors to potential noise and air quality impacts, and the traffic increase will conflict with the character and safety of the neighborhood, approved.

#5. This being the time set for hearing to consider a request by **Avila Ventures, LLC** for a Vesting Tentative Tract Map to subdivide an existing 38.15-acre parcel into seven parcels of 5.76, 5.20, 5.23, 5.05, 5.48, 5.46, and 5.98 acres each for the purpose of sale and/or development. The project includes off-site road improvements to Guadalupe Road and Willow Road. The division will create one on-site road. The proposed project site is within the Residential Rural land use category, at the northeast corner of the Willow Road and Guadalupe Road intersection, approximately 800 feet northeast of Highway 1, west of the community of Nipomo, in the South County (Inland) planning area. APN: 091-173-014. Also to be considered at the hearing will be approval of the Environmental Document prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures are proposed to address Aesthetics, Agricultural Resources, Air Quality, Geology & Soils, Hazards/Hazardous Materials, Noise, Public Services/Utilities, Recreation, Transportation/Circulation, Wastewater, and Water. **County File No. SUB2003-00205**. Supervisorial District #4. Date Accepted: November 9, 2004.

Thereafter, motion by Commissioner Christie, seconded by Commissioner Roos, to continue to October 13, 2005, is discussed. Thereafter, motion maker and second amend their motion, and thereafter, motion by Commissioner Christie, seconded by Commissioner Roos, carries, in the absence of Commissioner Mehlschau, to continue this item to July 28, 2005.

#6. This being the time set for hearing to consider a request by **Michael Puhek** for a Conditional Use Permit to allow a 8,924 square-foot commercial building and remodel of existing structure to include a bell tower. The project will result in the disturbance of approximately 0.50 acres of a 0.94-acre parcel. The proposed project is within the Commercial Retail land use category and is located 671 W. Tefft Street in the community of Nipomo. The site is in the South County (Inland) planning area. The Environmental Coordinator finds that the previously adopted Mitigated Negative Declaration for Development Plan D020050D and Parcel Map CO 02-0246 (ED 02-329) is adequate for the purposes of compliance with CEQA. **County File No: DRC2004-00195**. APN: 092-130-016. Supervisorial District: 4. Date Accepted: June 13, 2005.

Brian Pedrotti, staff, presents the staff report. Displays maps and photographs overhead. Recommends Commission rely on the previous adopted Negative Declaration, and approve the Conditional Use Permit. States a right-of-way has been proposed for a future road.

Chuck Stevenson, staff, states the timing goes along with the West Tefft Corridor design plan. Two workshops have taken place. The Circulation component is discussed. Proposed roads are shown and described. States there is opposition by neighbors to a proposed road. Public Works Department has indicated that in the near future Tefft Street will be handling up to 30,000 traffic trips per day. A full median is proposed for Tefft and will extend to Pomeroy. This will make no opportunity for left turn into commercial properties along the street. The proposed road would allow an area for left turns. Expense is a concern for the applicant.

Jim Lopes, staff, updates Commission on the status of the plan. Public review of the draft document is taking place at this time. Proposed streets are outside the design plan area. The proposed street will be a traffic reliever for West Tefft. Discusses connections, general plan, streetscape principles, driveway access.

Commissioner Rappa requests information about the status of the design plan once adopted, with staff responding.

Commissioner Roos requests clarification regarding access and improvements on page 6-5 of the staff report, with Public Works responding.

Commissioners and staff discuss road, street trees.

Michael Puhek, Applicant, provides photographs of site, discusses prior suspension of construction permit. States to his knowledge all conditions with the exception of land dedication have been met, he made a concession on the dedication, changes to the circulation plan for Tefft are needed, the road should become a paseo rather than a street, as that would provide a pedestrian walkway. Discusses his progress to date, explaining he should have filed for an extension but did not do so, and that is the reason he is here today.

Discussion takes place among Commissioners, applicant, staff, regarding whether the application has vested or not, and what would happen if an applicant abandoned a project.

Brian Frisch, Nipomo, states he is a neighbor of the Puhek property; neighbors are not in favor of another road right behind the project, and the NCAC is against it. It is not a car friendly road and will not alleviate any problems. States there is a block wall about ten feet high at the back of the Puhek property.

Chuck Stevenson, staff, states discussion is ongoing at this time with property owners to the west, and the issue of extension to Tefft has been decided against. The road behind the Puhek property has been checked for traffic flow. However, a median on Tefft will prevent left turns into the Puhek property. The applicant is requested to provide a 5-foot dedication. Today's decision could affect the West Tefft Corridor.

Cary Geihs, Nipomo, provides a handout. States he is in favor of Mr. Puhek's project, and gives some details regarding the amount of money spent as well as other details. States a substantial amount of site work was done, so his rights are vested. States the real reason Mr. Puhek needs a new permit is because the county staff wishes to construct the road behind the Puhek property. Requests approval with Condition 6 excluded.

James Bettnard states he lives adjacent to the Puhek property and Tanis Road is not needed, no one wants it except county staff. NCAC does not want it and did not approve it. A petition is circulating around the neighborhood. Speculates about what would happen with Condition 6 retained. There is no new negative declaration and a new road is proposed. States if the Commission approves this project including Condition 6 he will appeal to the Board of Supervisors.

Michael Puhek, applicant, states he wishes only to get back to building his project. States his request is for a Conditional Use Permit with a 5-foot dedication. States he is not personally in favor of the road.

Chuck Stevenson, staff, states a letter was received from NCAC. What they wish is to consider Chapter 3 of the design plan (traffic and circulation) and did wish to review the rest of the plan, and defer the discussion of traffic and circulation at a later time. States the road line is between Residential Multi-Family and Commercial Retail land use categories.

Thereafter, motion by Commissioner Roos, seconded by Commissioner Christie, carries, in the absence of Commissioner Mehlschau, to consider and rely on the previously adopted Negative Declaration, in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000, et seq., and **RESOLUTION NO. 2005-023** granting a Conditional Use Permit to MICHAEL PUHEK for the above referenced item, based on the Findings in Exhibit A and subject to the Conditions in Exhibit B, as presented, adopted.

7. This being the time set for hearing to consider a request by **Denis Sullivan/Cypress Ridge Limited Partners** for a vesting tentative Tract Map and Conditional Use Permit to 1) subdivide eight existing lots (totaling approximately 10.1 acres) into 10 parcels ranging from 0.35 acres to 4.7 acres each for the purpose of sale and or development; 2) allow for the following uses within this 10.1 acre area: construction of 81 individually-owned lodging units (one- and two-story, one- and two-bedroom units [totaling 149 bedrooms]); lodging occupancy shall be limited to no more than 29 days for non-owners and 84 days for unit owners; a 200-seat restaurant; a pro shop and clubhouse (replaces existing facility); conference rooms (totaling 3,408 sq. ft); and 3) reduce parking requirements by approximately 34% to provide for a 212-space parking lot. The project is located at 950 Cypress Ridge Parkway, approximately 2,000 feet south of Halcyon Road, in the village of Palo Mesa on the Nipomo Mesa, in the South County (Inland) planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item, in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures are proposed to address aesthetics, air quality, biological resources, noise, population/housing, public services, transportation, wastewater and water. **County File Nos. SUB2003-00208 (TRACT 2641), and D000391D**; APNs: 075-400-001 & 075-401-002, 003, & 004; Accepted date: 9/26/04; Supervisorial District #4.

John McKenzie, staff, gives the staff report. Displays maps and photographs overhead. Provides background. Recommends adoption of the Negative Declaration and approval of the Vesting Tentative Tract Map and Conditional Use Permit.

Commissioner Christie states her wish to discuss affordable housing.

Commissioner Roos, discusses page 7-17, Condition 10. Wishes to add "additionally" following reference to the Section of the LUO.

Brad Breckwald, Wallace Group, representing Denis Sullivan, applicant, states this project is infill, and a reduction of 7 lots. States it involves golf course recreational use. The resort will be a destination for visitors who stay to use the facilities. States they are in agreement with the Conditions of Approval.

Denis Sullivan, applicant, describes the facilities that are planned. States the golf course is highly rated. Displays a PowerPoint presentation. States customers will be business and professional individuals who will visit this county for meetings, conferences, and training as well as recreation. Describes other visitor uses in the area. Describes potential buyer of cottage units. Discusses local unemployment rates, stating their anticipated 40 employees will come from Oceano where unemployment is higher. Discusses traffic issues, states there is another phase to Cypress Ridge.

Commissioners and Mr. Sullivan engage in discussion regarding rental rates, and transient occupancy taxes. States he cannot guess the price that will be set, but if costs are approximately \$200 per square foot, then based on the market, they may sell for around \$300,000.

Rob Strong, Arroyo Grande Community Development Director, states he has discussed this pending General Plan Amendment. States it can be a very valuable diversification in addition to the development. There is an unavoidable traffic issue that needs to be addressed and it is not addressed in the Negative Declaration. El Campo Road interchange must be improved, and no study has been done on roadway connection, though such a study needs to be done. States Cypress Ridge principles have been very cooperative in discussions, and he believes an agreement can be reached. States his City Council may take a harder stand.

Commissioners and Mr. Strong discuss details regarding traffic, county traffic impact fees, where fee is paid and where not.

Mr. Strong states paying a county fee does not address traffic impacts on the City and does not solve the problem of the El Campo/Highway 101 intersection which will be a significant expense. This project should include a solution to the El Campo interchange and roadway. States the Conditions of Approval and the Negative Declaration missed a very significant traffic problem.

Denis Sullivan, applicant, states they recognize the traffic problems, and they will agree to participate in a study as a first step.

Commissioners, staff and County Counsel discuss whether the Negative Declaration can be adopted as written, if some employee housing should be associated with this project, if the County and Arroyo Grande should work together, whether or not El Campo/Highway 101 intersection should be addressed in the Negative Declaration, and possible results of an agreement with the City such as that suggested by Mr. Strong.

The matter is thoroughly discussed, and thereafter, motion by Commissioner Christie, seconded by Chairperson Liberto-Blanch, to continue this matter off calendar, fails on a vote of two for and two against.

Thereafter, motion by Commissioner Rappa, seconded by Commissioner Roos, carries, with Commissioner Christie voting no, and in the absence of Commissioner Mehlschau, to adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000, et seq., and **RESOLUTION NO. 2005-024** granting a Vesting Tentative Tract Map to DENIS SULLIVAN / CYPRESS RIDGE LIMITED PARTNERS for the above referenced item, based on the Findings in Exhibit A and subject to the Conditions in Exhibit B-1, with the following changes: add new Condition 33, to read: "33. **Prior to tract map recordation**, the applicant shall provide evidence to the county where the Regional Water Quality Control Board is satisfied that the existing wastewater system is operating in compliance with its Waste Discharge/ Water Reclamation Requirements, Order No. 97-66, and that the existing system can adequately accommodate the additional effluent generated by the proposed development."; and **RESOLUTION NO. 2005-025** granting a Conditional Use Permit to DENIS SULLIVAN / CYPRESS RIDGE LIMITED PARTNERS for the above referenced item, based on the Findings in Exhibit A and subject to the Conditions in Exhibit B-2, with the following changes: in Condition 10, change " . . . Section 22.10.060. All lighting . . . " to " . . . Section 22.10.060; additionally, all lighting . . . "; in Condition 52, change " . . . an alternative water conservation measure with comparable savings" in the second sentence to " . . . an alternative water conservation measure with a water savings equivalent to the project impact of 0.43 afy . . . "; and add new Conditions 60 and 61, to read: "60. **Prior to issuance of any construction permit establishing an approved use**, the applicant shall provide evidence to the county where the Regional Water Quality Control Board is satisfied that the existing wastewater system is operating in compliance with its Waste Discharge/ Water Reclamation Requirements, Order No. 97-66, and that the existing system can adequately accommodate the additional effluent generated by the proposed development. "61. That prior to construction (or occupancy) of the 81 additional lodging units and/or 200-seat restaurant, the applicant enter into an agreement acceptable to the County, and the City of Arroyo Grande to participate in the preparation of a "Project Approval and Environmental Document", **and proportional project commitment for implementation**, regarding the El Campo/101 interchange and phased improvement of El Campo Road from 101 to Halcyon Road."; and subject to Standard Conditions of Approval for Subdivisions Using Community Water and Sewer, adopted.

STUDY SESSION to discuss options for implementing Smart Growth Principles and related planning topics.

Discussion takes place among Commissioners and staff regarding the best time to discuss Smart Growth Principles in view of the resignation of Ms. Liberto-Blanck, and that Commissioner Mehlschau is absent today. Thereafter, motion by Commissioner Roos, seconded by Commissioner Christie, carries, in the absence of Commissioner Mehlschau, to continue this study session to October 13, 2005.

Thereafter, motion by Commissioner Roos, seconded by Commissioner Rappa, carries, in the absence of Commissioner Mehlschau, to take into the record all communications submitted today.

There being no further business to discuss, the meeting is adjourned.

Respectfully submitted,
Lona Franklin, Secretary
County Planning Commission